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Report of the Special Rapporteur on the right to education, Kishore Singh

Assessment of the educational attainment of students and the implementation of the right to education*

Summary

The present report is submitted pursuant to Human Rights Council resolution 17/3. It centres on the assessment of the educational attainments of students and the implementation of the right to education. The Special Rapporteur on the right to education underlines the importance of developing and applying national assessment systems which are in compliance with international human right norms, so that education meets the essential objectives assigned to it in human rights conventions. He considers that such a human rights-based, holistic approach is essential for fostering the humanistic mission of education rather than its mere instrumental role, using a narrow scope of assessments linked to mathematical literacy and language skills only. The report also places emphasis on skills development as an integral part of basic education and on the need for innovative assessment modalities of technical and vocational education and training, particularly in developing countries, in response to the rising aspirations of youth, while not losing sight of the human rights perspective.

The report concludes with recommendations to strengthen human rights-based, holistic approaches to national assessments of the educational attainments of students.

* Late submission.

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I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 17/3. It centres on the assessment of the educational attainments of students and the implementation of the right to education. It underlines the importance of developing and applying assessments of those educational attainments in line with human right norms so that education meets the essential objectives assigned to it in international human rights conventions. Such a human rights-based, holistic approach is essential for fostering the humanistic mission of education, rather than its mere instrumental role, using a narrow scope of assessments linked to mathematical literacy and language skills only. The report also places an emphasis on skills development as an integral part of basic education and on the need for innovative assessment modalities of technical and vocational education and training, particularly in developing countries, in response to the rising aspirations of youth, while not losing sight of the human rights perspective.

2. The present report builds upon previous reports by the Special Rapporteur on the right to education concerning quality education and normative action (A/HRC/20/21) and on technical and vocational education and training from the perspective of a right to education (A/67/310). Its focus is on national assessment at the level of basic education, with reference to regional or international assessment systems. The report seeks to elaborate on assessments of the educational attainment of students, rather than on that of schools or teachers per se, even though they are connected. It is confined to the field of basic education,[1] since the realization of the right to a basic education of quality for all is the priority concern of the international community and likely to remain central to the post-2015 development agenda.

3. During the reporting period, the Special Rapporteur undertook a mission to Seychelles. He also reported to the sixty-eighth session of the General Assembly (A/68/294). That report highlighted recent developments in the post-2015 development agenda and analysed educational goals and implementation strategies, with a focus on action at the national level. The Special Rapporteur stressed the importance of placing the right to education at the centre of discussions on the post-2015 development agenda and offered a set of recommendations on how to operationalize a rights-based approach to the education-based development goals.

II. Recent activities undertaken by the Special Rapporteur

4. Since last reporting, the Special Rapporteur has continued to participate in activities, related to advocacy for the right to education and raising its profile at national, regional and international levels. He has remained actively engaged in maintaining a dialogue with States, international bodies, the intellectual community and civil society organizations.

5. In April 2013, the Special Rapporteur participated in the twelfth session of the Working Group of Experts on People of African Descent, in Geneva, and made a

[1] "Basic education covers notions such as fundamental, elementary and primary/secondary education", it "consists of at least 9 years and progressively extends to 12 years", Experts' Consultation on the Operational Definition of Basic Education, 17–18 December 2007, conclusions (ED/BAS/RVE/2009/PI/1). Some education systems may already offer vocational education programmes at International Standard Classification of Education (ISCED) level 2 (lower secondary education) to provide individuals with skills relevant to employment. See UNESCO Institute for Statistics, International Standard Classification of Education, ISCED 2011 (Montreal, 2012), para. 139.

presentation on the promotion of equality and opportunity in education for people of African descent.

6. On 21 and 22 May, the Special Rapporteur participated in the second global meeting of the International Group on the Right to Education, organized by the National Academy for Educational Research in Taipei, Taiwan Province of China, and gave the opening address on international initiatives on the right to education and education-related goals for the post-2015 development agenda.

7. In June, the Special Rapporteur took part in a number of activities organized during the twenty-third session of the Human Rights Council in support of his report on the justiciability of the right to education (A/HRC/23/35), which he presented to the Council on 31 May. He was the lead speaker at a side event organized by Ecuador, together with Brazil, India and Morocco on the theme of a human rights-based approach to the right to education.

8. During the international expert conference, "Vienna+20: Advancing the Protection of Human Rights" (27 and 28 June), organized in Vienna on the occasion of the twentieth anniversary of the Vienna Declaration and Programme of Action, the Special Rapporteur participated in a working group entitled "Mainstreaming human rights: a human rights based approach to the Post-2015 Development Agenda." He was also a speaker at an expert meeting on "Promoting a rights-based approach to financial regulation and economic recovery", held in Vienna on 1 July.

9. On 15 and 16 July, the Special Rapporteur attended an event entitled "Educational visions for India: reflections on strategy and action", organized by the Council for Social Development in New Delhi. He also chaired and moderated a session on the right to education during the event. On 22 July, he met with the United Nations country team in India with respect to the right to education in the post-2015 development agenda.

10. On 15 August, the Special Rapporteur addressed a joint meeting of the Permanent Committee on Education, Culture, Tourism and Human Resources and the Permanent Committee on Justice and Human Rights of the Pan-African Parliament and shared his experience in promoting a human rights-based approach to education to bring African voices to the post-2015 development agenda. On the same day, he had an extensive dialogue with the South African Human Rights Commission, covering a wide range of issues relating to the protection and promotion of the right to education.

11. On 21 August, the Special Rapporteur was a main speaker at the International Forum on the Millennium Development Goals in the field of education and preparation of a corresponding development strategy after 2015, organized in Astana by the Ministry of Education and Science of Kazakhstan. On 23 August, he was among the high-level guest speakers at the launch of the International Decade for the Rapprochement of Cultures (2013–2022) in Astana.

12. On 18 and 19 September, the Special Rapporteur participated in a meeting of the Commonwealth Ministerial Working Group on the Post-2015 Development Framework for Education, as a follow-up to the Mauritius communiqué issued at the 18th Conference of Commonwealth Ministers of Education, and shared his views on the central role of education.

13. On 24 September, the Special Rapporteur was a lead speaker at an event on the theme of "Human right to education in the post-2015 development agenda", hosted by the Global Campaign for Education, Open Society Foundations and 15 non-governmental organizations (NGOs), underlining the importance of the right to quality education for all.

14. On 4 October the Special Rapporteur attended the launch of the campaign "Unite for quality education - better education for a better world" on the occasion of World Teachers' Day, celebrated by Educational International, along with many other NGOs, in New York.

On 28 October, he was a guest speaker in New York for the launch of the book *Ready to Learn: a Legal Resource for Realizing the Right to Education*, published by the Legal Resources Centre, South Africa.

15. On 7 November, the Special Rapporteur addressed the Education Commission of the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Paris during the debate on "Education beyond 2015", emphasizing the importance of ensuring that education is preserved as a public good.

16. From 25 to 30 November, the Special Rapporteur attended a regional workshop on Education for All in Africa in Algiers, hosted by the African Commission on Human and People's Rights, and addressed the opening session of the workshop on key challenges in realizing the Education for All agenda and the right to basic education.

17. On 3 December, the Special Rapporteur gave the opening address at a seminar organized by the University of Extremadura, Spain, in cooperation with the Government of Extremadura and Collège Henry Dunant, Geneva, aimed at encouraging reforms in the universities of the Maghreb by introducing a rights-based approach.

18. On 10 and 11 December, he participated as an expert in the national education summit, organized by the Government of Gujarat, India, and addressed the opening session, highlighting the importance of the right to education in nation-building.

19. On 19 January 2014, the Special Rapporteur addressed the regional forum on the protection of the right to education during insecurity and armed conflict in the Middle East and North Africa region, organized by the United Nations Human Rights Training Centre, in Doha.

20. On 21 February, he participated in an event organized in Paris by the Organisation internationale de la Francophonie and UNESCO to celebrate International Mother Language Day and addressed the audience on local language, global citizenship and the right to education.

21. On 3 and 4 March, the Special Rapporteur participated in an international conference on the "Enforcement of international human rights law through the mechanism of United Nations Special Rapporteurs" organized by the international law and organizations programme at the Johns Hopkins University School of Advanced International Studies, in collaboration with its centre at Bologna, and spoke on the justiciability and enforcement of the right to education.

22. On 7 March, the Special Rapporteur was a guest speaker at an event organized by International Relations Consulting Network and Lobbying at the European Parliament in Brussels, where he spoke on the post-2015 development agenda and the right to an education perspective. On 31 March, he participated in the Alliance2015 round table on education on the theme of "Enhancing EU impact on education for global sustainable development" in Copenhagen. On 16 March, he participated in briefings for the permanent missions in New York on the post-2015 development agenda, organized by the United Nations Institute for Training and Research in New York.

III. Towards a holistic, human rights-based approach to the assessment of the educational attainments of students

23. Fulfilment of State obligations for the right to education is dependent upon how the education provided meets the essential objectives of the right to education, as shown by the educational attainments of students. This calls for national assessments of education to be driven by a human rights-based approach, where the full range of obligations arising from the right to education remains centre stage. The Special Rapporteur would like to emphasize the need and importance of a holistic approach which is broader than the narrow

approach of performance evaluation only of mathematical literacy and language skills, and which broadens the assessment of the educational attainments of students to include all obligations relating to the right to education under international human rights law.

A. Human rights standards in education

24. States have the primary responsibility for ensuring that their national education systems meet the objectives assigned to education in international human rights treaties. Beginning with the Universal Declaration of Human Rights, schools must provide education which is respectful of human rights values, democratic citizenship and cultural diversity. According to the principles contained in article 29 (1) of the Convention on the Rights of the Child, the education of the child shall be directed to "the development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own." The education to which every child has a right is one which is "designed to provide the child with life skills, to strengthen the child's capacity to enjoy the full range of human rights and to promote a culture which is infused by appropriate human rights values."[2] Yet, as the Committee on the Rights of the Child has stated, national and international programmes and policies on education that really count the elements embodied in article 29 (1) seem all too often to be either largely missing or present only as a cosmetic afterthought.[3]

25. In this respect, it is important to recall that the UNESCO constitution assigns to education the mission of promoting the "ideals of humanity" and fostering the "intellectual and moral solidarity" of humankind. Both UNESCO and the United Nations Children's Fund (UNICEF) have the institutional mission of preparing children for the responsibility of the future and these ideals should constitute the bedrock of national curricula. Moreover, education should be designed and provided in such a way that it "promotes and reinforces the range of specific ethical values" enshrined in the Convention on the Rights of the Child.[4] The need for "new ethics for our common humanity"[5] has been voiced in propositions for planning for the post-2015 development agenda. This should find a prominent place in reflections on modernizing the curriculum for assessing the educational attainments of students accordingly, as an integral part of the humanistic mission of education.

26. The primary objective of national assessment systems is to appraise the educational attainments of students through the entire national education system. This should be driven by a human rights-based approach and the humanistic mission of education, rather than by its mere instrumental role, and by preserving and fostering the noble cause of education. The values and principles propounded by the United Nations Declaration on Human Rights Education and Training[6] "as a means to give full effect to the right to education worldwide"[7] must be publicized in order to make them an integral part of the educational

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[2] General comment No. 1 (2001) of the Committee on the Rights of the Child on the aims of education, para. 2.

[3] Ibid., para. 3.

[4] Ibid., para. 13.

[5] "A new global partnership: eradicate poverty and transform economies through sustainable development", report of the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda (2013).

[6] Human Rights council resolution 16/1, annex.

[7] Human Rights Council resolution 23/4, para. 5.

attainments of students. "Universally recognized human rights values and democratic principles should be embedded in any education system."[8]

B. Learning to live together

27. A ground-breaking report presented to UNESCO in 1996, known as the Delors Report, outlined four pillars of education: learning to know, learning to do, learning to live together and learning to be.[9] Those objectives provide a useful framework for the purpose of modernizing national curricula and the corresponding mechanisms for assessing the educational attainments of students.

28. Assessing the peacebuilding role of education is also important, especially in conflict situations and in the phase of post-conflict reconciliation. "Education in the twenty-first century needs above all to teach children what is arguably the single most vital skill for a flourishing multi-cultural society - the skill of living peacefully with other people ... No country can hope to establish lasting foundations for peace unless it finds ways of building mutual trust between its citizens - and the place to start is in the classroom."[10] An important consideration in assessing the educational attainments of students is whether their behaviour patterns reflect their understanding of, and commitment to, learning to live together.

C. Fostering the positive values of cultural diversity

29. Education is invaluable for the preservation of the cultural heritage of humankind.[11] Inculcating in students a commitment to preserving and enriching multicultural and multilingual diversity and promoting a better understanding and appreciation of the richness of cultural diversity deserves an important place in any education system.[12] National curricula should aim to prepare students for the defence of cultural diversity as an ethical imperative, inseparable from respect for human dignity, as expressed in the UNESCO Universal Declaration on Cultural Diversity of 2001.[13] The main lines of the action plan for the implementation of the Declaration clearly provide for promoting through education an awareness of the positive value of cultural diversity and improving to this end both curriculum design and teacher education. The education provided, as well as the assessments of students, should show the importance attached to the preservation and promotion of cultural diversity and pluralism as an essential part of human-centred development. The assessment of students should demonstrate their understanding of common values shared by all humankind, with respect for people from different civilizations, cultures and religions.

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[8] See A/HRC/20/21, para. 18.

[9] Report to UNESCO of the International Commission on Education for the Twenty-First Century: "Learning: the treasure within" (1996).

[10] Education for All global monitoring report, "The hidden crisis: armed conflict and education", (UNESCO Publishing, 2011), p. 23.

[11] This has assumed special significance as a follow-up to the proclamation of the International Decade for the Rapprochement of Cultures by the General Assembly in resolution 67/104.

[12] For example, in Indonesia, the Law on the National Education System (2003) aims to inculcate in young minds a respect for human rights, cultural pluralism and learning to live together and promote morals, character building and unity in diversity (*Bhinneka Tunggal Eka*) in the spirit of brotherhood and solidarity.

[13] Article 5 of the Declaration stipulates that "all persons are entitled to quality education and training that fully respect their cultural identity".

IV. Assessment mechanisms in basic education

30. Student-based assessment of educational attainments has a direct correlation with the curriculum-based assessment of educational attainments. States have an obligation to fulfil the right to basic education, based on minimum standards, provided by qualified teachers and effectively managed through a system of implementation and assessment.[14]

31. National assessment systems must be inclusive, and cover all students within a national population. "Student-based" mechanisms evaluate the progress of each student against school standards, which reflect the local and national curriculum requirements. These systems must apply to all students in a country without exception, to ensure that they are all assessed and supported to ensure their progressive improvement, particularly those from vulnerable groups.

A. Educational attainments in the progression from primary to secondary level

32. The Education for All goals of universal primary education for all has created pressure on Governments simply to push students forward, regardless of their educational achievements. Emerging policies and regulations in several countries are minimizing or even doing away with quality control by way of exams in the transition from primary to secondary education. That is a regressive measure, which is detrimental to the quality of the education provided. It is an issue of critical importance in national quality assessment and deserves rethinking. As the Special Rapporteur stated in his earlier report, it is "crucial to monitor and assess students' educational achievements on a regular basis, with a rigorous performance evaluation prior to passing from primary to secondary education. Automatic promotion to the next grade irrespective of students' learning achievements can perpetuate, even aggravate, the poor quality of education" (A/HRC/20/21, para. 75). It is important to ensure through national assessment whether the education system is furnishing all students with the necessary knowledge and competencies in a sustained manner.

33. States are under an international legal obligation to ensure that each child completes a basic education of good quality, as assessed by a national assessment mechanism. This normally requires successful attendance and completion of a formal education programme, which awards a recognized qualification.[15] Merely attending school does not lead to the completion of basic education - all students should be required to have a recognized qualification of successful completion of basic education (ISCED level 1), or a specific level of achievement, for entering some or all junior secondary level education (ISCED level 2) programmes in a specific country.[16]

34. For example, in Senegal, given the requirement for 10 years of compulsory education under the Education Law of 2004, the awarding of the certificate for completion of elementary education (*certificat de fin d'études élémentaires*) has no bearing on progression to the sixth year of schooling, which is through a competitive test for intake, depending on the availability of places for secondary education. Similarly, in Gabon, the *certificat d'etudes primaires* plays no role in the progression from primary to secondary education. In Mali, the requirement of completion of the primary school certificate (*certificat de fin d'études du premier cycle de l'enseignement fondamental*) was l ted in 2010, introducing from the seventh grade a trimestral progression of tests until the completion of basic education. In India, pursuant to the Act on the Right of Children to

[14] See conclusions of the Experts' Consultation (ED/BAS/RVE/2009/PI/1).
[15] ISCED 2011, para. 82.
[16] Ibid., para. 145.

Free and Compulsory Education 2009, the annual examination system at the end of each year of schooling has been abolished and no student can be held back from progressing during the entire duration of the eight years of elementary education. The comprehensive and continuous evaluation mandated by the Act is still being devised.[17]

35. A positive example on how to address this can be found in Spain. A new Education Law has made it mandatory to assess educational attainment by a general examination at the end of (i) primary school, (ii) secondary compulsory education and (iii) the baccalaureate. According to article 21 of the Law, students finishing primary school are required to undergo a test to examine their knowledge and the skills and competences acquired.

36. Another example is furnished by France, where national programmes of education fixed by the State are mandatory for both public and private schools. Students are evaluated twice a year during the elementary education cycle to assess whether a pedagogic programme with a common base has been implemented and to mobilize additional support for students in need. Those evaluations help to identify any follow-up needed for student learning in accordance with a common curricular base.

B. Regional and international assessment mechanisms

37. An analysis of prevalent international and regional assessment systems shows their narrow scope and that they generally do not adequately incorporate a human rights-based approach. The Programme for International Student Assessment of the Organization for Economic Cooperation and Development (OECD) is a well-known triennial survey, testing the performance of 15 year-old students in reading and mathematical and scientific literacy, benchmarking a country's performance against that of other participating countries. The objective of the Trends in International Mathematics and Science Study is an even narrower method for assessing skills in mathematics. Similarly, the Progress in International Reading Literacy Study is limited to literacy assessment. The Latin American Laboratory for Assessment of the Quality of Education, a network of national education quality assessment directors, produces studies that reflect the state of quality education and also contributes to the development of education assessment capacities in the region. However, the third regional comparative and explanatory study, conducted in 2013 on the learning achievement in the region, is narrowly aimed at assessing learning performance in the third and sixth grades in mathematics, reading and writing, including natural sciences for the sixth grade.

38. Some international evaluation systems do go beyond mere performance evaluation in mathematical literacy and language skills. The Programme d'analyse des systèmes éducatifs des pays de la Conférence des Ministres de l'Education des États et gouvernements de la Francophonie conducts a comparative evaluation of the international assessment of students and has a broader conceptual approach. This comprises a wide range of quality parameters agreed upon by public authorities. Similarly, the national reports resulting from the Southern and Eastern Africa Consortium for the Measurement of Education Quality also relate to the monitoring and evaluation of conditions of schooling and the quality of education, as described in national Consortium reports. States should make a greater effort to look to these examples when developing national evaluation mechanisms.

[17] Government of India, Twelfth Five Year Plan 2012–2017, vol. III, Social Sectors (Sage Publications, 2013), p. 55.

C. Repercussions of international assessment mechanisms in developing nations

39. In creating their national assessment mechanisms, many developing countries emulate the OECD approach, even though their development requirements vary from those of developed countries. Several countries have been developing national assessment systems following international and regional assessments, which focus primarily on assessing mathematical literacy and language skills, sometimes described as learning outcomes, and thereby exclude all else which is learned[18]. They are often based on a random survey methodology, with a ranking of countries, and do not adequately depict the education profile of a country in full measure. The privileging of learning outcomes in the discussion about education quality leads to a narrow conception of quality, neglecting the process of teaching and learning and the essential inputs for assuring quality and it separates quality from equity.[19]

40. Most international and regional assessments generally evaluate the basic knowledge and skill levels acquired by students in three curricular areas: language, mathematics and sciences. They are "summative assessments, mainly for stakeholders external to the school,"[20] which are ill-equipped to support the developmental needs of students from diverse backgrounds effectively and may serve to undermine reforms meant to enhance the inclusive nature of basic education. Moreover, they have little direct impact on a child's progress in the educational system or in life, as demonstrated by a UNESCO International Bureau of Education study: "By virtue of their particular accounts of learning, especially among younger students, standardized assessments may contribute to undermining the quality of teacher-student interactions and distorting curricular reforms. The IBE believes that the balance of assessments should emphasize to a greater extent teacher-designed, classroom-based formative assessments aimed at improving teaching and learning processes."[21]

41. International assessment mechanisms, with their lopsided focus on learning outcomes, neglect a human rights-based approach.[22] Such a narrowly construed approach is being considered even in the context of discussions on education in the post-2015 development agenda. The Education for All global monitoring report for 2013–14 states that "it is vital for a global post-2015 goal to be set which will monitor whether, by 2030, all children and youth, regardless of their circumstances, acquire foundation skills in reading, writing and mathematics."[23]

42. Another notable limitation of international assessment systems is the scant attention paid to the role of education in promoting sustainable development - even when this area is

[18] For an analysis of national learning assessments as a common feature of national education systems around the world, see Aaron Benavot and Erin Tanner, background paper "The growth of national learning assessments in the world 1995-2006", UNESCO (ED/EFA/MRT/PI/16).

[19] For a scholarly analysis of the issues involved, see the concept note for the technical meeting on advocacy strategy development of the Commonwealth Ministerial Working Group on the Post-2015 Development Framework for Education, September 2013, available from www.adeanet.org/portalv2/en/system/files/post-2015_working_group_technical_meeting_report.pdf.

[20] International Experts' Meeting on key curricular and learning issues in the post-2015 education and development agenda, Geneva, September 2013, statement, available from http://www.ibe.unesco.org/fileadmin/user_upload/Publications/UNESCO-IBE_Statement_on_Learning_Post-2015_eng.pdf.

[21] Ibid.

[22] See Right to Education Project, "Learning outcomes assessment: a human rights perspective", February 2013.

[23] Education for All global monitoring report, "Teaching and learning: achieving quality for all" (UNESCO Publishing 2014), p.6.

receiving priority consideration in the international community. Similarly, certain key concepts, such as learning to live together and respect for the richness of cultural diversity as the common heritage of humankind, have received little consideration, whereas they should be central to assessing the national educational attainments of students. Indeed, there is a lack of reference and attention to the normative provisions contained in the resolutions adopted by the General Assembly. A glaring instance of this is the scant reference in education assessment mechanisms to the notions and concepts embodied in the outcome document of the United Nations Conference on Sustainable Development entitled "The future we want".[24]

43. Reading, writing and mathematics are not a complete indication of all learning achievements, and even less of what has been learned by a child. The trend of placing too much emphasis on learning achievements is to the detriment of the humanistic mission of education and must be reversed. The prevalent international assessments of the performance of students are premised upon a rather instrumental role of education, driven by the concept of development in mere economic terms. They do not reflect universally recognized values of human rights. There is a lopsided focus on learning outcomes, with an "input-output" model, as if there is an analogy between schools and factories[25] and as if what matters is the material value of education in the narrow sense of economic development devoid of any humanistic values.

V. Developing national assessment systems: current evolutions

44. Many countries have adopted assessment systems which are national and which broaden the scope of the educational assessment of students. They demonstrate how assessment systems can be developed to evaluate educational attainments, going beyond a narrow approach limited to mathematical literacy and language skills.

45. For example, in Brazil, recognition is given to the nationwide assessment of student performance, along with the Development Plan for Education (July 2011). The basic education assessment system is based on the national examination system, with a single quality indicator: the basic education development index, expressed on a 0–10 scale. The achievement and performance of students are assessed at 4th/5th grade (basic education), 8th/9th grade (final year of compulsory education) and 11th/12th grade (final year of secondary education) in both public and private schools. The assessment focuses on creative activities and education and on the development of the skills and abilities required for the full exercise of citizenship.

46. In South Africa, a 10-level framework with descriptors on learning achievements for each level has been developed according to the provisions of the National Qualifications Framework Act No. 67 of 2008 by the South African Qualifications Authority in order to support the design and implementation of qualifications within the national qualifications framework and facilitate evaluation criteria for comparability. In Bulgaria, based on the State educational requirements, educational evaluation is carried out during the cycle of primary and secondary school education, including vocational training and professional education, through regular school tests and examinations, with a qualitative and quantitative index applied to grades having.

47. The concept of the quality of education in China centres around the holistic development of morals, intellect, physical strength and aesthetic aptitude, and increasing attention is being paid to nurturing practical abilities and creativity, as outlined in the 2001

[24] General Assembly resolution 66/288, annex.

[25] See Education for All global monitoring report, "Education for all: the quality imperative" (UNESCO publishing 2004), p. 228.

comprehensive curriculum reform guidelines. Established in 2007, the National Centre for Basic Education Quality Assessment plays a leading role in developing and supporting the conduct of education assessments in China. It is in the process of setting up a national education quality assessment system to consider those broader criteria.

48. In Qatar, annual student evaluations from the 4th to the 12th grade have been conducted since 2003 by the Supreme Education Council. A graded system was introduced in 2011 in the annual test, with a minimum pass requirement of 30 per cent of total marks. The Supreme Education Council has started to put more focus on this by providing training courses for teachers and displaying model tests on its site, thus providing school principals and teachers with plans and strategies for the quality of teaching to match the level of the national tests. Moreover, the results of the national tests are taken into consideration for evaluating and improving school performance.

49. Education is evaluated locally, regionally and nationally in Finland. The activities of education providers are guided by objectives laid down in legislation and in the national core curricula and qualification requirements. The system relies on the proficiency of teachers and other personnel. National evaluations are done annually, with arts and crafts evaluated alongside academic subjects, aiming to follow at the national level how well the objectives of the national core curricula and qualification requirements are being met locally.

50. In Kenya, under Article 64 (1) of the Basic Education Act of 2013 the Education Standards and Quality Assurance Council was established to ensure standards and to maintain quality by monitoring the conduct of assessments and examinations in institutions of basic education. The Act lays down a national qualifications framework (article 68 (1)) which will be developed in collaboration with the relevant stakeholders to set standards and benchmarks for qualifications and competencies, and provides for the recognition of the attainment of competencies, including skills, knowledge, attitudes and values. Article 74 of the Act provides for a Kenya Institute of Curriculum Development, whose mandate is to include curriculum development for basic education.

51. As part of fundamental reforms of the education system, undertaken since the beginning of 2013 in Mexico and premised on education as a fundamental right, articles 3 and 73 of the constitution were amended, strengthening the National Institute for the Evaluation of Education. With full autonomy as a constitutional body, it has a mandate to evaluate the quality of teaching professionally, with both teachers and government authorities sharing that responsibility. On 13 August 2013, the Law on the National Institute for the Evaluation of Education as well as the General Law on Professional Teaching Service were amended to improve them as performance assessment instruments for achieving free, equitable, quality public education as a legal responsibility, as well as an ethical obligation of the Government.

52. In a drive towards improving standards and quality, in 2013, Seychelles developed a national assessment framework to foster the holistic development of children to enable them to acquire the knowledge, skills, competences and attitudes necessary in today's world. With an emphasis on "acceptable professional standards" of quality, the framework provides that "Assessments shall be conducted in accordance with regulations at the end of each key stage of primary and secondary schooling to evaluate the performance of students in relation to the targets of the national curriculum."[26]

53. In order to improve the teaching and learning provided by the national education system, the evaluation of student performance in Ecuador aims, through the application of various assessment instruments, to evaluate the attitudes and skills of the student, i.e. an

[26] Ministry of Education of Seychelles, "The National Assessment Framework : supporting a new vision for learning" (2013), p. 4.

assessment of the knowledge, skills and values developed as a result of the educational process and their application in everyday life. The evaluation of education enables the Government to track the quality of education and to identify strategies to make improvements.

54. In Namibia, competencies, and core skills and key learning areas were identified in relation to the Namibia Vision 2030 as a national curriculum for basic education for the continual assessment of progress and achievements in the 5th and 8th grades, using nationally standardized assessments and national examinations. "Both school-based assessments and end-of-year examinations assess the knowledge, skills and understandings specified in the subject syllabuses."[27]

55. In all such national measures, greater focus on a human-rights based approach, as already mentioned, is important, keeping in view the right to education in its full expression.

VI. Assessing technical and vocational education and training

56. As described by the Special Rapporteur in his previous report (A/67/310), technical and vocational education and training (TVET) is an integral part of the right to basic education at the secondary level. Educational institutions must be supported to develop quality innovative programmes, including technical and vocational training and lifelong learning, geared to bridging skills gaps in order to advance sustainable development objectives.[28] In fact, skills development through TVET has emerged as a leading concern in improving the quality of education in an increasingly globalized economy. Such training has profound implications in the twenty-first century for radically different knowledge-based economies and societies.[29] This is all the more important in view of the need to better promote the skills required by the emerging "green economy", requiring novel means to assess competencies and skills in "green technology".

57. However, development programmes for technical and vocational education and training and skills have not been adequately addressed in the most common international or regional assessments. National assessment mechanisms for those programmes must better evaluate how well they empower students to acquire the necessary competencies for the development requirements of their country, while still meeting the broader human rights-based objectives. Existing normative frameworks for TVET provide the basis for developing national assessments to appraise the acquisition of those competencies and skills by students. The UNESCO Revised Recommendation concerning Technical and Vocational Education (2001) stipulates that member States should aim to apply relevant and appropriate internationally recommended standards and norms relating to systems of assessment or evaluation; occupational qualifications and certification; and equipment and technical standards. The Recommendation also underlines the importance of the exchange of good practices and methods. Similarly, International Labour Organization (ILO) Recommendation No. 195 (2004) concerning Human Resources Development: Education, Training and Lifelong Learning stipulates that measures should be adopted, in consultation with social partners and using a national qualifications framework, to promote the development, implementation and financing of a transparent mechanism for the assessment, certification and recognition of skills, including prior learning and previous experience,

[27] Ministry of Basic Education and Culture, Namibia, "Towards improving continuous assessment in schools: a policy and information guide" (1999), p. 36.

[28] See General Assembly resolution 66/288, annex, para. 235.

[29] See, for instance, the recommendations in the Montego Bay Declaration on Technical Vocational Education and Training in the Caribbean, available from http://www.soeconferences.com/tvet/montego-bay-declaration-tvet-caribbean.

irrespective of the countries where they were acquired and whether acquired formally or informally. Moreover, the Committee on Economic, Social and Cultural Rights requires States in their reporting to indicate the measures taken to increase the availability of TVET programmes and whether they enable students to acquire knowledge and skills which contribute to their personal development, self-reliance and employability (HRI/GEN/2/Rev.6, section II, para. 60).

A. Towards a new and unique approach

58. National assessment mechanisms for TVET programmes require a new and unique assessment mechanism to reflect how they differ from traditional academic programmes. TVET programmes involve private-public partnerships under the overall responsibility of Governments and institutionalized collaboration between TVET institutions and enterprises. A dual system of vocational training where students in vocational streams also undergo practical learning and training in enterprises is well organized in some developed countries and is a useful example for the developing world to draw upon for devising innovative policies and approaches.

59. Governments, enterprises and TVET institutions must thus be collectively involved in defining the vocational trades and in developing assessment mechanisms of the attainments of students as part of a tripartite system. This is indispensable for ensuring that TVET graduates are responsive to ever-changing national and private sector employment requirements, with the State also ensuring that TVET programmes and the assessments of them are supplemented by a broader human rights-based education.

B. Qualification frameworks for skills and competencies, including recognition of skills in the informal sector

60. In an endeavour to transform technical and vocational education and training, novel approaches are emerging to assess TVET programmes. For example, countries in Latin America have adopted a competency-based approach, such as the Occupational Competency Standardization and Certification Council in Mexico and the National Service of Learning (Servicio Nacional de Aprendizaje) in Colombia. Similarly, the National Programme for the integration between professional and basic education for young people and adults (PROEJA), established in 2006 in Brazil, is aimed at providing technical and vocational education and training at the basic and secondary education levels, as well as providing continuing technical education for young adults.

61. The emerging concept of technical and vocational skills development in Africa calls for novel mechanisms in the form of national qualification frameworks. In South Africa, the national qualifications framework provides a mechanism for awarding qualifications based on the attainment of specified learning skills prescribed by industry. It allows for the accumulation of credits and for the recognition of prior learning. Similarly, the Mauritius Education and Human Resource Strategy Plan 2008–2020 recognizes the need for creative learning – the acquisition of skills and competencies that unlock the human potential – as a paramount necessity since education is one of the cardinal drivers of economic growth, including a quality assurance system. Accordingly, a qualifications authority in the TVET sector has been established.

62. The Special Rapporteur considers that it is important for each country to develop a national framework of certification, recognizing and validating various modes of the acquisition of skills in a coherent and unified system. The recognition of prior learning, as expressed in ILO Recommendation No. 195, can help to bridge the divide between formal and informal technical and vocational skills development systems by providing mechanisms and opportunities for the recognition and validation of experiential learning. It

is also necessary to ensure that the assessment mechanisms for TVET are founded on competence-based training, not only on theory-based certification.[30]

63. Quality standards can set minimum skill requirements for graduate apprentices, with monitoring mechanisms to ensure they meet those standards. It is also necessary to improve the linkages between informal apprenticeships and formal education and training, in particular regarding the role of skills development in national policies and laws.[31]

64. In developing national qualification frameworks and assessing competencies, it is crucial to ensure that they are not limited to technical competencies in TVET, but also include critical thinking and are not devoid of a human rights perspective.

65. Finally, national assessment systems for TVET can be used as leverage in valorizing social perceptions of TVET and their status, since they do not enjoy the esteem that would be commensurate with their importance for development. Instituting national awards in conjunction with an assessment of performance in TVET is an important step in that direction. The practice of rewarding TVET students in China is a good example.

VII. Human rights-based assessment modalities and some areas of special concern

66. It is up to States to adopt national assessment mechanisms which ensure that their education systems are in conformity with human rights law, including but not limited to those relating to the right to education.

67. National assessment systems should evaluate how human rights values and knowledge have been acquired by students. Performance tests should be devised to assess the extent to which students have incorporated those values into their understanding, commitment and day-to-day behaviour patterns. This constitutes a response to rising levels of violence in many schools, a phenomenon which deserves consideration in assessing school-based evaluations.

A. The key role of teachers

68. It is the teacher who conveys the national curricula to students and assesses their performance. Teachers should be able to develop in children a love of learning. They should be able to kindle in children and adults the capacity for critical thinking, as well as nurturing in them ethical and moral values. Four pillars of education - learning to know, learning to do, learning to live together and learning to be – propounded by the Delors Report - are central to the teaching-learning process.

69. The quality of teaching and learning at the basic education level is an important factor in national assessment. Teachers are also key to linking assessments to improved learning. Moreover, they play a valuable role in accomplishing the humanistic mission of education.

70. The UNESCO Recommendation Concerning the Status of Teachers, adopted by the Special Intergovernmental Conference on the Status of Teachers in 1966, lays down a

[30] For instance, the traditional diplomas for vocational education in India, as awarded in the industrial training institutes, have in recent times been challenged for their lack of direct correlation to the contemporary needs of industry and the economy.

[31] See, for instance, ILO, "Upgrading informal apprenticeship: a resource guide for Africa" (Geneva, 2012), p.82, available from http://www.ilo.org/wcmsp5/groups/public/---ed_emp/---ifp_skills/documents/publication/wcms_171393.pdf.

comprehensive normative framework on the teaching profession. It also recognizes the essential role of teachers in educational advancement. It applies to all teachers in both private and public schools and provides guidance on a diverse range of matters, including the roles and responsibilities of teachers.

71. Teacher training programmes must emphasize not just pedagogical skills, but also the assessments of students. Innovative programmes for revamping teacher education and development are necessary to devise novel modalities of teacher training in tandem with reforms in education. In France, for example, teacher evaluation, including a questionnaire, is also part of the student learning process. In-service training for teachers is a permanent requirement, not only to improve their qualifications or to keep them up to date with the latest teaching practices, but also to ensure their assessment skills are kept up to date. The need for "standard[s] frameworks, which could be applied nationally and regionally"[32] has been underlined.

72. A student-centred system of education and evaluation would include a detailed assessment record of each student's progress through the curriculum. While not all students progress at the same rate, a personalized assessment allows teachers, teaching assistants or even student mentors in a higher grade to provide support so that each student completes each module in the curriculum without suffering from the social stigma associated with being held back.

B. Periodically updating the curricula

73. Universally recognized human rights values and democratic principles should be embedded in any education system, and incorporated into national curricula for basic education. It is important for public authorities to review their national curriculum periodically in order to respond to emerging requirements. It is also necessary to ensure that textbooks in all schools – private or public – and the contents of the curricula are in conformity with the values and objectives of education laid down in international human rights conventions and expounded by the work of the human rights treaty bodies. Moreover, curricula and the contents of education must keep pace with global concerns with new ethics for our common humanity.

C. Aptitude testing

74. The aptitude of students should be given serious consideration in assessing their attainments. The evaluation of the abilities and aptitudes of children in consultation with parents and teachers can be useful in enabling them to realize their potential, leading to better attainments. In Lithuania, for example, evaluation in primary and basic education is driven by the concept of the assessment of pupils' achievement and progress, encouraging positive personal features and creativity and improving personal achievements. The main idea is assessment for learning, not assessment of learning.

75. In this context, the State of Gujarat in India is exemplary in taking steps towards abolishing the conventional "character" certificate, systematically delivered to all students at the end of primary or secondary education, and replacing it with an "aptitude" certificate, which shows the aptitude of students as appraised by teachers, parents and students themselves, allowing them to pursue secondary or higher education. This has the inherent advantage of motivating students to pursue studies based on their aptitude.

[32] See Mauritius communiqué, 18th Conference of Commonwealth Education Ministers, available from http://secretariat.thecommonwealth.org/document/249627/18ccemcommunique.htm.

76. Aptitude tests and counselling are even more important for skills development. National assessment mechanisms should be coupled with "career guidance systems to assist learners in choosing appropriate pathways, including by the provision of up-to-date labour market information and self-assessment tools to identify aptitudes and interests and promote the acquisition of career management skills."[33]

VIII. Private providers of education

77. Exploding demand for education has led to an exponential growth in the number of education providers. A comprehensive and sound regulatory framework for controlling private schools and ensuring their conformity with norms and standards is required. To preserve the public interest in education, effective sanctions in cases of abusive practices by private providers are necessary. Each State must organize a system of prior authorization, successive monitoring and verification, in order to ensure that private schools respect the content and objectives of education, thus enabling the State, in turn, to respect its international commitments in that regard. In those States where basic education is also provided by private schools, the State should ensure that such schools fully respect the objectives and content of education.

78. In this context, it is important to note that, whereas parents and guardians are at liberty to choose private schools for their children, pursuant to article 13 (3) and (4) of the International Covenant on Economic, Social and Cultural Rights, education in such schools must conform to the educational objectives set out in article 13 (1) of the Covenant and "such minimum educational standards as may be laid down or approved by the State". Those minimum standards may relate to issues such as admission, curricula and the recognition of certificates. In their turn, those standards must be consistent with the educational objectives set out in article 13 (1).[34]

IX. Conclusions

79. **Commitments made by the international community to the realization of the right to basic education are well known. A major constraint emanates from the non-fulfilment by States of their obligations. Whether States have fulfilled their obligations for the right to education is dependent not just upon how many years of schooling children have attended, but also upon whether what they have learned has empowered them in their lives. That is shown by assessing the educational achievements of students against a national curriculum which is consistent with the objectives of the right to education. Comprehensive national assessment mechanisms must be recognized as valuable tools for students, schools as well as for States. Those assessments ensure that the achievements of each student are tracked and, where necessary, improved. Nationally, they enable States to adjust their curriculum, teacher training and education systems more broadly to ensure that the right to education is achieved in the fullest sense.**

80. **Prevalent international assessments of the performance of students reflect an instrumental role for education, driven by the concept of educational development in mere economic terms, with excessive emphasis placed on learning outcomes in**

[33] See "Shanghai Consensus: recommendations of the Third International Congress on Technical and Vocational Education and Training", 13 to 16 May 2012, available from www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/ED/pdf/outcomesdocumentFinalwithlogo.pdf.

[34] See general comment No. 13 (1999) of the Committee on Economic, Social and Cultural Rights on the right to education (article 13).

mathematical literacy and language skills. The Special Rapporteur considers that such a narrow approach is detrimental to the humanistic mission of education and undermines the essential objectives assigned to education in international human rights conventions. International assessments also affect national assessment systems, thus perpetuating such a narrow approach. A paradigm shift is necessary to make assessment systems more broadly based so that they embody in full measure the essential objectives of the right to education, in accordance with human rights law, and are premised upon a human rights-based holistic approach.

81. In that spirit, the national assessment systems of the educational attainments of students in basic education need to be revamped and developed so as to demonstrate that every child completes at least a primary education of good quality, in line with the core obligation of States, and is given access to good quality secondary education, with technical and vocational education and training (TVET) as an integral component. Assessment mechanisms for TVET-led skills development deserve greater consideration in evaluating how TVET programmes empower their beneficiaries to acquire the necessary competencies and skills which respond to a the development requirements of a country, while also recognizing the importance of a human rights perspective.

82. Teachers are vital to the implementation of the national curricula and in conducting assessments of the educational attainments of students. Teacher training programmes need to be reinforced to enhance not just the pedagogical capacities of teachers, but also their ability to assess the educational attainments of students.

83. It is also important to initiate a public debate on the educational attainments of students and to foster education systems which embody the spirit of human values and human dignity. Education must not lead students merely to be immersed in materialistic values and pursuits in life, devoid of the values of human rights and of solidarity and mutual understanding and respect for each other's culture. It must also prepare children for the responsibilities of freedom in keeping with the institutional mandates of UNESCO and UNICEF. The intellectual community, civil society organizations and particularly parliamentarians, as lawmakers and public figures, can make a significant contribution in this respect.

84. The work of the human rights treaty bodies and the United Nations agencies can be valuable in raising the importance of national assessments of the educational attainments of students that encompass a human rights-based approach to education.

85. The Special Rapporteur would like to state that the realization of the right to basic education of quality for all, including skills development, deserves a central place in the post-2015 development agenda. From that perspective, national assessments of the educational attainments of students would need to evolve with a future-oriented perspective, in order to meet the key challenges of achieving such universal goals for education as may be agreed to in future development agendas. Education systems, including national assessments, will need to be kept abreast of such developments, bearing in mind the resolve of the international community in reaffirming its commitments to the right to education and to "full access to quality education at all levels" as an "essential condition for achieving sustainable development".[35]

[35] See General Assembly resolution 66/288, annex, paras. 229 and 233.

X. Recommendations

A. Recommendations to States

86. **Regarding the adoption of a human rights-based framework, the Special Rapporteur recommends that:**

- **States move towards a more holistic approach in assessing student attainments which goes beyond reading, writing and arithmetic and which incorporates essential human rights objectives. The four pillars of the Delors Report – learning to know, learning to do, learning to be and learning to live together – should become an integral part of any assessment of the educational attainments of students. Moreover, national assessment mechanisms must be in compliance with a country's international human rights obligations;**

- **States ensure that national assessments of the educational attainments of students are founded on a human-rights based approach, where the right to education remains at centre stage.**

87. **Regarding the development of a holistic approach to the assessment of the educational attainments of students, the Special Rapporteur recommends that:**

- **States recognize the need and the importance of a holistic approach, with the full range of obligations arising from the right to education, in assessing the educational attainments of students. Such assessments should centre around the core objectives of education, as established by international human rights conventions;**

- **Public authorities and school administrators ensure that the assessment of the educational attainments of students includes their understanding of universal human rights values and respect for people from different civilizations, cultures and religions. Student performance tests should demonstrate the extent to which students have incorporated human rights values in their understanding, commitments and day-to-day behaviour patterns.**

88. **Regarding periodic reviews of national curricula, the Special Rapporteur recommends that:**

- **Governments periodically review their national curriculum to ensure that its contents are updated and in conformity with the values and objectives of education laid down in international human rights conventions and as expounded by the United Nations treaty bodies and relevant agencies.**

89. **Regarding equity-based approaches to assessments of the entire student population, the Special Rapporteur recommends that:**

- **National assessments appraise the educational attainments of the entire student population in a country, assessing all students uniformly. An equity-based approach should be an essential prerequisite, so that all those students who are found to be underperforming are given the necessary support needed for them to meet the educational requirements. Student assessments must address with great concern the situation of underperforming students, particularly those who are disadvantaged on account of marginalization. Early targeted teaching support to them is most effective and should be prioritized over later interventions.**

90. **In relation to assessing progression from primary to secondary education, the Special Rapporteur recommends that:**

- **States comply fully with their core obligation of providing free, compulsory primary education of good quality to every child, boys and girls alike. Completion of good quality primary education should be a predominant concern in the national**

assessment of basic education, with no automatic progression from primary to secondary education. This can only be verified through assessments prior to progression to secondary education, with "recognized qualification" at the end of primary education cycle. Public authorities should ensure the maintenance of quality standards throughout the cycle of basic education in a sustained manner.

91. Regarding the development of novel assessment mechanisms for skills development, the Special Rapporteur recommends that:

- While recognizing the importance of national assessment mechanisms for TVET programmes, Governments should develop new and unique assessment mechanisms within a framework of institutionalized collaboration with industry for assessing competencies and skills in terms of technical qualifications that are relevant to a country's development priorities. TVET programmes, particularly in early secondary levels, must be made complementary to the standard education curriculum and not as a separate stream. The aptitude of students should be central to those new assessment systems, offering them the possibility of pathways to higher education.

92. In relation to refining assessment mechanisms, the Special Rapporteur recommends that :

- Public authorities ensure that the basic education which is provided is of good quality, as proven by an appropriate national assessment mechanism, conducted annually or on a semester system. While school examination and tests constitute necessary mechanisms for assessing the educational attainments of students, Governments should devise innovative modalities, appropriate to the capacities of the State, to evaluate the knowledge and understanding of students of all the subjects taught, including human rights values.

93. Regarding the development of the capacity of the teaching profession for the holistic assessment of basic education, the Special Rapporteur recommends that:

- Recognizing that teachers play a key role in the implementation of the national curricula and in conducting assessments of the educational attainments of students, Governments should ensure that teachers are provided with the additional training and support to better understand and implement a human rights-based curriculum in an accessible fashion for their students. Novel modalities of teacher training in tandem with reforms in education should be devised to foster quality education and learning.

94. In relation to strengthening national assessment mechanisms with parliamentarians, the Special Rapporteur recommends that:

- Given their leadership role, parliamentarians should take up the cause of education, leading the processes aimed at giving effect to the right to education and strengthening national assessment mechanisms to that effect. They can thus contribute to promoting the educational attainments of students.

95. In relation to encouraging and supporting civil society organizations and NGOs, the Special Rapporteur recommends that:

- Governments encourage NGOs and civil society organizations in their valuable role in raising the level of the public debate on key issues and in defending a holistic approach to student assessments. As such, the public authorities should maintain a constructive dialogue with NGOs and civil society organizations.

96. In regard to the promotion of studies on national assessments, the Special Rapporteur recommends that:

- As research and studies on national assessments are scant as compared to those on international or regional assessment systems, reflections and studies on

national assessments of the educational attainments of students in education faculties and among professional bodies should be promoted, so as to make existing national assessment mechanisms and country-level experience better known. That would also benefit policymaking authorities in improving assessment mechanisms;

- States continue to champion the cause of quality education in the formulation of the post-2015 development agenda. Enhancing educational attainments for the benefit of both the individual and society should be a central concern in any future agenda, with a reinforced commitment by the international community in appreciation of the pivotal role of the right to education for human development.

B. Engaging Governments more responsively through the work of the human rights treaty bodies and the United Nations agencies

97. The Special Rapporteur would like to make the following recommendations to United Nations and intergovernmental bodies:

- Within the scope of their respective mandates, when considering the right to education in their dialogue with States, the human rights treaty bodies should accord importance to ensuring that the educational attainments of students are assessed from a broader, human-rights-based approach;

- Within their respective institutional missions, UNESCO and UNICEF should accord the foremost importance to a human rights-based approach to national student assessments in order to prepare children for the "responsibilities of freedom". They should accordingly encourage and support Governments in their endeavours to that effect, providing the necessary technical assistance and advisory services;

- Similarly, ILO and the United Nations Industrial Development Organization have special roles and responsibilities in the area of skills development, and should reinforce their activities in technical assistance for assessment of new areas of technical knowledge and competencies, while improving linkages between informal apprenticeship and formal vocational education and training. Recognition of the qualifications of students who have undertaken technical and vocational education and training should include graduate apprentices in rural economies and the informal sector;

- The United Nations agencies should take a coordinated interest in assisting in the development of educational assessment systems that meet international human rights standards and which are also conducive to skills development as part of quality imperatives.